

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUAN SALINAS BAUTISTA,)	
)	CASE NO. C11-1978-RSL-MAT
Petitioner,)	(CR-08-82-RSL)
)	
v.)	
)	ORDER ADOPTING REPORT AND
UNITED STATES OF AMERICA,)	RECOMMENDATION AND
)	GRANTING PETITIONER'S MOTION
Respondent.)	TO APPOINT COUNSEL FROM CJA
_____)	PANEL

The Court, after careful consideration of petitioner's 28 U.S.C. § 2255 motion for writ of habeas corpus, the Report and Recommendation of the Honorable Mary Alice Theiler, petitioner's invited motion to appoint counsel, the governing authorities and the balance of the record, does hereby find and **ORDER**:

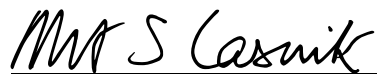
- (1) The Report and Recommendation is **ADOPTED**;
- (2) Three of petitioner's asserted grounds for ineffective assistance of counsel—**ground 1** (Speedy Trial Act), **ground 2** (Consular Notification), and **ground 3** (Multiple Conspiracies Instruction)—are **DENIED** on the merits;

(3) Because petitioner financially qualifies and both further discovery and an evidentiary hearing may be warranted, his motion to appoint counsel is **GRANTED** and the Clerk of Court is **DIRECTED** to appoint counsel for petitioner from the Court's Criminal Justice Act ("CJA") Panel to address the remaining grounds for ineffective assistance of counsel—**ground 4** (Safety Valve) and **ground 5** (Rejection of the Plea Agreement);

(4) In a joint statement, counsel for both parties should advise United States Magistrate Judge Mary Alice Theiler by January 4, 2013, of a proposed dispositive motions deadline and, if necessary, a proposed date for an evidentiary hearing; and

(5) The Clerk is directed to send copies of this Order to all counsel of record and to Judge Theiler.

DATED this 14th day of December, 2012.


Robert S. Lasnik
United States District Judge